

01-08-08

03500.017755

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: Not Yet Assigned
AYA IMADA ET AL.	)	
	:	Group Art Unit: 1763
Application No.: 10/559,966	)	
	:	Confirmation No. 6543
Filed: December 8, 2005	)	
	:	
For: PROCESS FOR PRODUCING	)	
STRUCTURE, FUNCTIONAL	:	
STRUCTURE, AND MAGNETIC	)	
RECORDING MEDIUM	:	January 8, 2008

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

Applicants request a refund of a duplicate charge of \$130.00 for a Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JP and the USPTO that was paid by a charge to Deposit Account No. 50-3939 on December 18, 2007. It is requested that the refund be applied as a credit to the same Deposit Account.

The reason for this refund request is as follows:

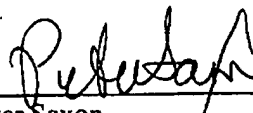
Applicants filed a Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JP and the USPTO via facsimile on November 28, 2007 (copy attached). On December 18, 2007 Deposit Account No. 06-1205 was charged a

duplicate fee of \$130.00 for this Request. A copy of Applicants request a refund of the fee the second fee that was charged.

Authorization is hereby given to credit Deposit Account No. 06-1205 in the amount of \$130.00.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Peter Saxon", written over a horizontal line.

Peter Saxon  
Attorney for Applicants  
Registration No.: 24,947

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200


FCBS\_WS 1898376v1

**FITZPATRICK, CELLA, HARPER & SCINTO**

30 Rockefeller Plaza  
New York, NY 10112-3801  
(212) 218-2100

Facsimile: (212) 218-2200

**FACSIMILE COVER SHEET**

<b>TO:</b>	The Office of the Commissioner of Patents Attn: MAGDALEN GREENLIEF	
<b>FROM:</b>	Peter Saxon	
<b>RE:</b>	U.S. Pat. Appln. 10/559,966 Our Ref.: 03500.017755	
<b>FAX NO.:</b>	571-273-0125	
<b>DATE:</b>	November 28, 2007	<b>NO. OF PAGES:</b> 29 <small>(including cover page)</small>
<b>TIME:</b> 17:10	<b>SENT BY:</b> 	

**MESSAGE**

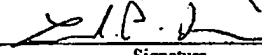
I hereby certify that this correspondence is being facsimile transmitted to  
the United States Patent and Trademark Office, Fax No. 1-571-273-0125  
on November 28, 2007

(Date of Facsimile Transmission)

LEONARDO A. SIANA

Peter Saxon

(Name of Attorney for Applicant)



Signature

November 28, 2007  
Date of Signature

**IF YOU DO NOT RECEIVE ALL THE PAGES  
PLEASE CALL 212-218-2100 AS SOON AS POSSIBLE.**

**Note:** We are transmitting from a Canon Model FAX-L770  
(compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO</b>			
Application No.:	10/559,966	First Named Inventor:	Aya Imada
Filing Date:	December 8, 2005	Attorney Docket No.:	03500.017755
Title of the Invention:	PROCESS FOR PRODUCING STRUCTURE, FUNCTIONAL STRUCTURE, AND MAGNETIC RECORDING MEDIUM		
THIS REQUEST FOR PARTICIPATION IN THE PPH PILOT PROGRAM MUST BE FAXED TO: THE OFFICE OF THE COMMISSIONER FOR PATENTS AT 571-273-0125 DIRECTED TO THE ATTENTION OF MAGDALEN GREENLIEF			
APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.			
The above-identified application validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s).			
The JPO application number(s) is/are: <u>(1) Japan 2003-163852</u>			
The filing date of the JPO application(s) is/are: <u>(1) 06/09/2003</u>			
<p>I. List of Required Documents:</p> <p>a. A copy of all JPO office actions (<u>excluding</u> "Decision to Grant a Patent") in the above-identified JPO application(s).</p> <p><input checked="" type="checkbox"/> Is attached.</p> <p><input type="checkbox"/> Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System. Claims granted without refusal by JPO.</p> <p>b. A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s).</p> <p><input checked="" type="checkbox"/> Is attached.</p> <p><input type="checkbox"/> Is available via Dossier Access System. Applicant hereby requests that the USPTO obtain these documents via the Dossier Access System.</p> <p>c. English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached.</p> <p>No documents cited by the JPO.</p>			

[Page 1 of 2]

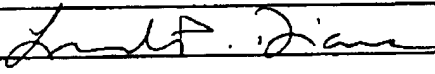

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. FAX COMPLETED FORMS TO: Office of the Commissioner for Patents at 571-273-0125, Attention: Magdalen Greenlief.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO**

(continued)

Application No.:	10/559,966	First Named Inventor:	Aya Imada
<b>II. Claims Correspondence Table:</b>			
Claims in US Application	Patentable Claims in JP Application	Explanation regarding the correspondence	
16	1	Both claims are identical	
17	2	Both claims are identical	
18	3	Both claims are identical, except for dependency	
19	4	Both claims are identical, except for dependency	
20	5	Both claims are identical, except for dependency	
21	6	Both claims are identical	
<b>III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.</b>			
<b>IV. Payment of Fees:</b>			
The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) as required by 37 CFR 1.102(d) to <input checked="" type="checkbox"/> Deposit Account No. <u>50-3939</u> .			
<input type="checkbox"/> Credit Card. Credit Card Payment Form (PTO-2038) is attached.			

Signature 	Date: 28 November 2007
Name: LEONARD P. DIANA (Print/Typed) 	Registration Number 29,296

[Page 2 of 2]

(Form #219)

03500.017755.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: NYA
AYA IMADA ET AL.	)	
	:	Art Unit: 1763
Application No.: 10/559,966	)	
	:	Confirmation No.: 6543
Filed: December 8, 2005	)	
	:	
For: PROCESS FOR PRODUCING	)	
STRUCTURE, FUNCTIONAL	:	
STRUCTURE, AND MAGNETIC	)	
RECORDING MEDIUM	:	November 28, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

LETTER SUBMITTING PAPERS UNDER PPH PILOT PROGRAM

Sir:

Applicants hereby request accelerated examination of the above-identified application under the Patent and Trademark Office's Patent Prosecution Highway (PPH) Pilot Program based on allowed claims of a Japanese application from which the present application claims priority under 35 U.S.C. § 119. Submitted herewith are the following documents for the accelerated examination:

- 1) Request for Participation in PPH Pilot Program (Form PTO/SB/20)
- 2) Notification of Reasons for Refusal (in Japanese)
- 3) English translation of Notification of Reasons for Refusal
- 4) Japanese final (allowed) claims (in Japanese)
- 5) English translation of Japanese final (allowed) claims
- 6) Verification of translations
- 7) Preliminary Amendment

The prior-art documents cited in the mentioned Japanese counterpart application have already been cited in a previously filed Information Disclosure Statement.

While it is not believed that a separate Petition to make special is required and that the Request (document 1) fulfills the requirements for such a Petition, should the Office determine that a separate Petition is required, this Letter should be treated as a Petition to make the application special under the Office's PPH Pilot Program. As set forth in the Request, the Petition fee should be charged to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Leonard P. Diana  
Attorney for Applicants  
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

FCHS\_WS 1756196v1



**United States  
Patent and  
Trademark Office**

**Deposit Account Statement**

Requested Statement Month: December 2007  
 Deposit Account Number: 061205  
 Name: FITZPATRICK CELLA HARPER & SCINTO  
 Attention:  
 Street Address 1: 30 ROCKEFELLER PLAZA  
 Street Address 2:  
 City: NEW YORK  
 State: NY  
 Zip: 10112-3801  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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## Deposit Account Statement

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12/20 13469	11960958	01762.015100	1211	\$510.00	\$82,597.85

Document code: WFEE

United States Patent and Trademark Office  
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01 FC : 1464 130.00 DA

Adjustment date: 01/16/2008 HDESTA1  
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